

AN ORDINANCE

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CLOSING, VACATING AND ABANDONING UNIMPROVED PORTIONS OF SOUTH MITTMAN AND WALEETKA STREETS PUBLIC RIGHTS OF WAY LOCATED BETWEEN MINNETONKA STREET AND FAIR AVENUE, ADJACENT TO NEW CITY BLOCKS 3832 AND 3836, AS REQUESTED BY BILMAR CONSTRUCTION, L.P., A TEXAS LIMITED PARTNERSHIP, FOR THE CONSIDERATION OF \$9,922.00, WHICH INCLUDES A FIFTY PERCENT (50%) REDUCTION OF THE CLOSURE FEE AS PROVIDED BY THE DEVELOPMENT INCENTIVE TOOLKIT, PASSED AND APPROVED BY CITY COUNCIL ON MAY 29, 2003.

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WHEREAS, Bilmar Construction, L.P., a Texas Limited Partnership, ("Petitioner"), the abutting property owner, has requested that the City of San Antonio close, vacate and abandon an improved portion of South Mittman and Waleetka Streets Public Rights of Way ("Subject Property") located between Minnetonka Street and Fair Avenue adjacent to New City Blocks 3832 and 3836; and

WHEREAS, Petitioner has requested closure of the Subject Property in order to replat the proposed closures with the abutting properties for a proposed infill housing development; and

WHEREAS, the Subject Property is surplus to the needs of the City of San Antonio, it is proposed by staff that it be transferred by the City to Petitioner for the consideration of \$9,922.00, which includes a 50% reduction under the City's Development Incentive Toolkit for the construction of market rate housing in the Community Revitalization Action Group area; and

WHEREAS, the Petitioner will develop Waleetka Street and construct a cul-de-sac at the Mittman intersection, as required by the Unified Development Code; and

WHEREAS, Petitioner's request has been circulated through all interested City departments and utility agencies involved and Petitioner has agreed to the conditions and/or restrictions imposed by the Departments of Planning, Public Works, Development Services, Asset Management, as well as, San Antonio Water System and Southeast Citizens Committee of College Heights; and

WHEREAS, the City Planning Commission considered this request at its regular meeting of September 10, 2003 and, following a public hearing, has recommended to the City Council approval of such request; and the City Council, following a public hearing on September 18, 2003, approved the request to close, vacate and abandon the Subject Property; **NOW THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The improved portion of South Mittman and Waleetka Streets Public Rights of Way located between Minnetonka Street and Fair Avenue adjacent to New City Blocks 3832 and 3836, is hereby declared surplus to the needs of the City of San Antonio and is closed,

vacated and abandoned as City of San Antonio public right-of-way, as requested by the Bilmar Construction, L.P., the abutting property owner, as Petitioner, and such portion is shown and legally described on **Exhibit A** attached hereto and incorporated herein verbatim for all purposes.

SECTION 2. Such closing, vacating and abandoning is contingent on the Petitioner's tendering to the City \$9,922.00, which includes a 50% reduction under the City's Development Incentive Toolkit for the construction of market rate housing in the Community Revitalization Action Group area, and also agreeing to the conditions set forth in a Letter Agreement, a copy of which, signed by the Petitioner, is attached hereto as **Exhibit B** and incorporated herein verbatim for all purposes.

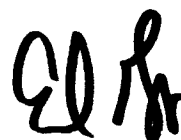
SECTION 3. The City Manager or a designee, is hereby authorized to execute any and all legal documents if and only if deemed necessary by the City Attorney's Office, to facilitate the closing, vacating, and abandoning of this property.

SECTION 4. The \$9,922.00 in proceeds to be collected from the Petitioner for the closing, vacating and abandonment of this property shall be deposited in Fund No. 29-008000 (Miscellaneous Special Revenue Reserve Fund) in Index Code 040337 entitled "Sale of Land".

SECTION 5. The Director of Finance may, subject to concurrence by the City Manager or the City Manager's designee, correct allocation to specific Index Codes and Fund Numbers as necessary to carry out the purpose of this Ordinance.

SECTION 6. This ordinance shall be effective on the 28th day of September 2003.

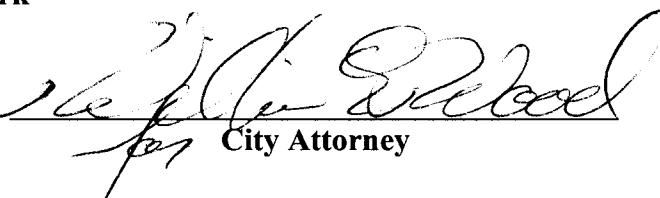
PASSED AND APPROVED this 18th day of September, 2003.



M A Y O R

EDWARD D. GARZA

ATTEST: 
City Clerk

APPROVED AS TO FORM: 
for City Attorney